



DEPARTMENT OF PLANNING, HOUSING, & COMMUNITY DEVELOPMENT

Mayor, Richard C. David
Director, Dr. Juliet Berling

Staff Report Series A Site Plan and Special Use Permit Review

Planning Commission Date:	June 1, 2015
Address:	73 Court Street
Tax Id #:	160.41-1-21
Case Number:	2015-27
Zoning:	Downtown Business District (C-2)

REVIEW REQUESTED

This application would provide for the conversion of floors 2 through 5 of an existing mixed use building to residential units. The building is split into two sections, one facing Court Street to the south and one facing Commercial Alley to the north. The front of the building will contain one one-bedroom unit per floor. The rear will contain two two-bedroom units per floor. The total number of units will be 12 units, with a total of 20 bedrooms in the building. The project will be executed in two phases, with the buildout of the rear, Commercial Alley portion of the building being Phase 1. The conversion of the front of the building into one bedroom units will be Phase 2 of the project. The applicant will submit detailed floorplans for the Planning Commission's review prior to the public hearing for this case.

The first floor of the building is currently used as a Tavern. The upper floors have been vacant a number of years. The second floor was previously occupied as a Business Office.

The subject property is located in the C-2, Downtown Business District. Any construction or conversion of a building resulting in more than 5 dwelling units requires a Special Use Permit and Site Plan approval from the Planning Commission. Per §410-53(A), in the C-2 District, applicants are not required to provide off-street parking where it does not already exist and where there is no opportunity to provide it. The structure occupies the entire parcel, resulting in no existing parking and no opportunity to provide it.

STAFF FINDINGS AND RECOMMENDATIONS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.

10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

SITE REVIEW

The property known as 73 Court Street is located on Court Street between State Street and Chenango Street, with an additional façade on Commercial Alley. The lot measures 3,920 square feet, with a frontage of 23' on Court Street and a depth of 130'. The façade on Commercial alley measures approximately 68'. The proposed residential units would be located on floors 2 through 5 of the rear (Commercial Alley) section of the structure. The entire first floor of the structure is a Tavern, while the upper floors of the front (Court Street) section are residential in use.

Land use in the vicinity of 73 Court Street is primarily commercial and mixed-use, with governmental located to the south of the subject property. The State Street Parking Garage is within approximately 130' from the rear stairwell of this proposed project.

PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

73 Court Street: In March of 2011, the Planning Commission granted approval for a Special Use Permit and Series A Site Plan Review for a Dormitory, Off-Campus in the C-2, Downtown Business District.

83 Court Street: In June of 2013, the Planning Commission approved a Series A Site Plan / Special Use Permit for a multi-unit residential and retail development in the C-2 District

Chenango Street & 83-85 & 87 Court Street:

- A request by Sina Abselet in 2002 to convert the existing building into a health-related nursing facility was approved by the Planning Commission.
- The Planning Commission approved a Series A Site Plan Review application submitted by Satra Realty in January of 2001 for the conversion of the second, third, fourth, and fifth floors of an existing building to apartments for students.

42 Chenango Street: In 1989, the First Presbyterian Church was granted a use variance to construct a memorial garden and columbarium in a C-2, Downtown Business district.

49 Court Street:

- In August of 2000, the Planning Commission granted a Special Use Permit and Series A Site Plan Review to Metrocenter Associates LLC to construct a 25,180 square foot, third floor addition to the Metrocenter.
- The Zoning Board of Appeals granted an area variance of off-street parking to Metrocenter Associates LLC to construct a 25,180 square foot, third floor addition to the Metrocenter.

60-68 Court Street: Adam Weitsman was given a Special Use Permit by the Planning Commission in March of 2000 to operate a billiard/pool hall.

ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Type I** Action. The Planning Commission should act as the lead agency to determine any environmental significance related to the Site Plan and Special Use Permit.

1. Motion to determine what type of action:
 - a. **Type I**
 - b. Type II
 - c. Unlisted
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing, Determination of Significance. The Planning Commission is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)– see below.

SEQR EAF Part 2 - Impact Assessment. The Lead Agency (Planning Commission) is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the Planning Commission. When answering the questions the Planning Commission should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
Will the proposed action result in a change in the use or intensity of use of land?	X	
Will the proposed action impair the character or quality of the existing community?	X	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?	X	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		X

Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	X	
Will the proposed action create a hazard to environmental resources or human health?	X	

EAF Part 3 - Determination of significance. For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.
- The Planning Commission may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.

ENCLOSURES

Enclosed is a copy of the application, site plan, and photograph page.